IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2666 OF 2005
WITH
CRIMINAL APPLICATION NO.2667 OF 2005
WITH
CRIMINAL APPLICATION NO.2669 OF 2005

M/s. Sundeep Polymers Pvt. Ltd. and Ors. ...Applicants

Vs.

M/s. K.M.Enterprises and Anr. ...Respondents

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Mr.M.K.Kocharekar for applicants
Mr.Amit Ghag for Respondent no.1
Mr.S.R.Shinde A.P.P. for State in Cri.Application Nos. 2666 and 2667 of 2005
Mr.Rajesh More A.P.P. for State in Cri.Application No. 2669 of 2005

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JUNE 27,2005

P.C.

1. Heard the learned advocate for the applicants, learned advocate for the respondent no.1 and the learned A.P.P. for the State in all the three matters.

2. The applicants are seeking quashing of process issued by the learned Addl.Chief Metropolitan Magistrate, 5th Court, Bhoiwada, Dadar, Mumbai in C.C.Nos.1093/S/2001, 1094/S/2001 and 1095/S/2001. In the said cases the process was issued under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, in my view, it is clear that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. Interim relief granted earlier by this Court to continue for a period of four weeks from today. The learned advocate for the

respondent no.1 i.e. original complainant fairly states that they will not raise any objection in respect of limitation in filing the revision.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Applications are disposed of.

[V.K.TAHILRAMANI,J.]